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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

In the Matter of	:	
	:	Administrative Action
<b>HENRY F. NEUMANN, D.D.S.</b>	:	
<b>License No. DI 09010</b>	:	CONSENT ORDER
	:	
Licensed to Practice Dentistry in the	:	
State of New Jersey	:	

THIS MATTER was opened to the New Jersey State Board of Dentistry (hereinafter the "Board") upon receipt of complaints that respondent Henry F. Neumann, D.D.S. (hereinafter the "Respondent") permitted John Rubinstein, D.M.D., to advertise that respondent specialized in pediatric dentistry when, in fact, respondent has never held a specialty permit number in pedodontics. It was further alleged that respondent permitted an unlicensed person to perform duties beyond the scope of permissible practice on his pediatric patients in the dental office of John A. Rubinstein, D.M.D. At all times relevant to this investigation respondent was employed as an independent contractor by Dr. Rubinstein.

The Board reviewed the entire record in this matter consisting of letters of complaint, advertisements, and additional information acquired at an investigative inquiry attended by the respondent with counsel, David Lustbader, Esq., on August 7, 1996. The Board also reviewed testimony presented at an investigative inquiry attended by his employer, John A. Rubinstein, D.M.D.

on July 24, 1996. It appears to the Board that in a period commencing mid-March 1996 and lasting for approximately three weeks, the respondent advertised himself as a specialist in pediatric dentistry without first obtaining from the State Board of Dentistry the requisite specialty permit number in violation of N.J.A.C. 13:30-8.4. It further appears to the Board that the respondent, while treating pediatric patients in Dr. Rubinstein's office, an unlicensed dental assistant performed those dental procedures reserved by law to registered dental hygienists, constituting violations of N.J.S.A. 45:1-21© and N.J.S.A. 45:6-61.

It appears to the Board that the respondent wishes to resolve this matter without recourse to formal proceedings and it further appearing that the settlement of this matter by Consent Order is not intended by the parties to be used as an admission or in any other way in another proceeding, and for good cause shown;

IT IS on this 5<sup>th</sup> day of November, 199~~6~~<sup>7</sup>,

ORDERED, that:

1. Respondent shall cease and desist from advertising a specialty practice in dentistry without first obtaining a specialty permit number from the Board in accordance with N.J.A.C. 13:30-8.4.

2. Respondent shall cease and desist from permitting an unlicensed person from performing functions not permitted by the Board's statutes or regulations.

3. Respondent is hereby assessed a civil penalty in the total amount of \$2,000.00, representing a penalty of (1) \$1,500.00 for permitting an unlicensed dental assistant to perform those dental procedures reserved by law to registered dental hygienists while treating pediatric patients in the office of Dr. Rubinstein; and (2) \$500.00 for advertising a specialty in pediatric dentistry without first obtaining the requisite specialty permit number. Such civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and sent to the Board of

Dentistry, Attention: Agnes M. Clarke, Executive Director, 124 Halsey Street, P.O. Box 45005, Sixth Floor, Newark, New Jersey 07101, in twelve (12) monthly installment payments as follows: The first payment of \$185.00 shall be paid contemporaneously with the entry of this Order. The remaining eleven (11) payments shall be made in equal payments, each payment in the amount of \$165.00 on the first day of each month, beginning December 1, 1997.

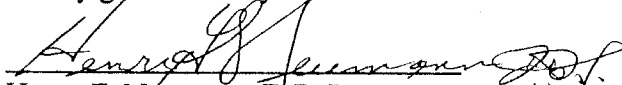
4. In the event that any installment payment is not made as ordered herein, the Board may elect to accelerate all payments, and, if so elected, the remaining amount shall be due and payable on any date set by the Board.

5. Within thirty (30) days of the entry of this Order, respondent shall pay costs to the Board in the amount of \$273.18. Said payment shall be made by way of certified check or money order payable to the State of New Jersey and submitted to the Board office contemporaneous with the entry of this Order.



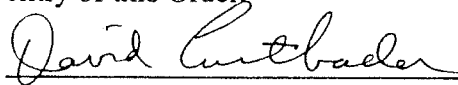
VALENTINE P. BLOCH, D.D.S.  
President of the State Board of Dentistry

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to entry of this Order.



Henry F. Neumann, D.D.S.

I hereby consent as to the form and entry of this Order.



David Lustbader, Esq.  
Attorney for Respondent